

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P28258/WO Kf	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006618	International filing date (day/month/year) 18.06.2004	Priority date (day/month/year) 27.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ROHDE & SCHWARZ GMBH & CO. KG		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:
 pages 1-5 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-6 _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/1 _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	4	YES
	Claims	1-3, 5-6	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 04,
31 May 1995 (1995-05-31) & JP 7 022999 A
(SANYO ELECTRIC CO LTD), 24 January 1995
(1995-01-24)

D2: DATABASE WPI Section EI, Week 200307 Derwent Publications Ltd., London, GB; Class S01, AN 2003-073317 XP002302755 & KR 2002 059 463 A (LG INNOTEC CO LTD) 13 July 2002 (2002-07-13)

D3: EP-A-0 762 638 (SONY CORP) 12 March 1997
(1997-03-12)

D4: EP-A-0 208 441 (WANDEL & GOLTERMANN LIMITED)
14 January 1987 (1987-01-14)

D5: EP-A-0 998 032 (SPAUN ELECTRONIC GMBH & CO KG)
3 May 2000 (2000-05-03)

2. PCT Article 33

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**
meaning of PCT Article 33(2).

2.1. D1 discloses a calibration line arrangement for adjusting the output power of a HF signal source in which (the references in parentheses are to this document):

- an electronic calibration line (damping element 8) is arranged between the signal source (input of 9) and an output (output of 10) by means of mechanical transfer switches (9, 10) on the input side and the output side;
- said mechanical transfer switches (9, 10) are switched such that, in the one position, the electronic calibration line (damping element 8) is connected and, in the other position, a direct bypass line between the signal source and the output is connected.

Therefore, the subject matter of **claim 1** is **not novel** (PCT Article 33(2)).

2.2. The following citations are likewise prejudicial to the novelty of claim 1:

- D2 discloses a calibration line arrangement in a power measuring device for adjusting the output power of a HF signal source (damping element 120 + transfer switches 110+150);
- D3 (figure 7) discloses a calibration line arrangement (71; according to column 12, lines 39-43, 71 can be a damping element) for adjusting the output power of a HF signal source

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(output of 7);

- D4 (see page 2, line 29 to page 3, line 8 and figure 1) discloses a calibration line arrangement (5) for adjusting the output power of a HF signal source (1);
- D5 (see the abstract and figure 1) discloses a calibration line arrangement for adjusting the output power of a HF signal source.

3. Dependent claims

3.1. Dependent **claims 2–6** do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step. The reasons are:

- the feature of **claim 2** is disclosed in **D3**: see figure 5 and column 12, lines 39–43;
- the feature of **claim 3** is implied in **D4**, wherein relay transfer switches are used: see the abstract;
- the feature of **claim 4** pertains to a standard procedure, adoption of which would not go beyond normal professional practice for a person skilled in the art;
- the feature of **claim 5** is disclosed in **D1**: see the abstract, paragraph 2;
- the features of **claim 6** are disclosed in **D1**, wherein a surge detector (c) is assigned.